97TH CONGRESS
2d Session

SENATE

REPORT
No. 97-523

MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT

AUGUST 13 (legislative day, JULY 12), 1982 —Ordered to be printed

Mr. MCCLURE, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 6530]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6530) to establish the Mount St. Helens National Volcanic Area, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

ESTABLISHMENT OF NATIONAL VOLCANIC MONUMENT

SECTION 1. (a) In furtherance of the purposes of this Act, certain lands within and adjacent to the Gifford Pinchot National Forest in the State of Washington, which comprise approximately one hundred and ten thousand acres, as generally depicted on a map entitled "Mount St. Helens National Volcanic Monument, August 1982", are hereby designated as the Mount St. Helens National Volcanic Monument (hereafter in this Act referred to as the "Monument").

(b)(1) Not later than six months after the date of enactment of this Act, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall file a map and a legal description of the Monument established under subsection (a) with the Committee on Energy and Natural Resources of the United States Senate and the Committees on Agriculture and on Interior and Insular Affairs of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act.

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Such map and description shall be on file and available for public inspection in the office of the Forest Supervisor, Gifford Pinchot National Forest and in the office of the Chief of the Forest Service, Department of Agriculture.

(2) The Secretary may correct clerical and typographical errors in the legal description referred to in paragraph (1), and the Secretary may, from time to time, make minor revisions of the boundary of the Monument. Such minor boundary revisions may be made by the Secretary only after publication of notice of the proposed revision in the Federal Register and after submission of notice thereof to the committees referred to in paragraph (1). Such notice shall be published and submitted at least 60 days before the revision is made. Notice of final action regarding such revision shall also be published in the Federal Register.

EXTENSION OF NATIONAL FOREST BOUNDARY

SEC. 2. (a) The exterior boundary of the Gifford Pinchot National Forest is hereby extended to include all lands and waters within the boundaries of the Monument. Lands and interests therein acquired pursuant to section 3 shall become national forest system lands.

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 through 4601-11), the boundary of the Gifford Pinchot National Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1965.

ACQUISITION

SEC. 3. (a) The Secretary shall acquire all lands and interests in lands within the boundaries of the Monument by donation, exchange in accordance with this Act or other provisions of law, or purchase with donated or appropriated funds, except as provided in subsection (c) and except that the Secretary may acquire mineral and geothermal interests only by exchange. It is the sense of the Congress that in the case of mineral and geothermal interests such exchanges should be completed within one year after the date of enactment of this Act. Any lands owned by the State of Washington or any political subdivision thereof may be acquired only by exchange. Those mining claims in the Green River-Polar Star area shall not be acquired without the consent of the owner.

(b) In recognition of the rapidly deteriorating nature of much of the timber in the Monument, any timber acquired pursuant to this section shall be valued for purposes of any acquisition under subsection (a) at an amount not less than the fair market value of such timber on July 1, 1982.

(c)(1) Notwithstanding any other provision of law, the Secretary shall exchange lands and interests in lands referred to in paragraphs (2) and (3) in accordance with the provisions of this subsection. With respect to the lands and interests in lands referred to in paragraphs (2) and (3), the Secretary may exercise the authorities of subsection (a) only to the extent necessary to acquire any lands or interests in lands which are not acquired pursuant to the provisions of this subsection.

(2)(A) If Burlington Northern Incorporated offers to the United States the following described lands and interests therein, except mineral and geothermal interests, the Secretary shall accept such lands and interests therein (for the purposes of this Act, the term "Burlington Northern Incorporated" shall include any subsidiary of that corporation):

	Acres
Township 7 North, Range 6 East:	
Section 1: Lots 1, 2, and 3, south half northeast quarter, and north half southeast quarter	*310.11*
Township 8 North, Range 5 East:	
Section 21: All	*640.00*
Section 23: All	*640.00*
Section 25: All	*640.00*
Section 27: All	*640.00*
Section 29: All	*640.00*
Section 31: All fractional	*623.52*
Section 33: All	*640.00*
Section 35: All	*640.00*
Township 8 North, Range 6 East:	
Section 5: All fractional	*480.44*
Section 7: All fractional	*637.58*
Section 9: All	*640.00*
Section 15: West half	*320.00*
Section 17: All	*640.00*
Section 19: All fractional	*631.76*
Section 21: All	*640.00*
Section 27: West half	*320.00*
Section 29: All	*640.00*
Section 31: All fractional	*630.44*
Section 33: All	*640.00*
Township 9 North, Range 5 East:	
Section 25: All	*640.00*
Township 9 North, Range 6 East:	
Section 5: Lot 1, southeast quarter northeast quarter, and southeast quarter	*240.41*
Section 9: All	*640.00*
Section 17: All	*640.00*
Section 21: All	*640.00*
Section 29: All	*640.00*
Section 31: All fractional	*639.52*
Section 33: All	*640.00*

(B) Upon acceptance of title by the United States to such lands and interests therein, the Secretary shall convey to Burlington Northern Incorporated all right, title, and interest of the United States to the following described national forest system lands and interests therein, except mineral and geothermal interests:

	Acres
Township 7 North, Range 6 East:	
Section 4: All fractional	*680.88*
Section 6: All fractional	*670.04*
Section 10: All	*640.00*
Section 22: All	*640.00*

(3)(A) If the Weyerhaeuser Company offers to the United States the following described lands and interests in lands, except mineral and geothermal interests, the Secretary shall accept such lands and interests therein:

	Acres
Township 9 North, Range 3 East:	
Section 1: South half	*320.00*
Township 7 North, Range 4 East:	
Section 25: Northwest quarter northwest quarter	*40.00*
Township 8 North, Range 4 East:	
Section 2: All fractional	*494.28*

Township 9 North, Range 4 East:	
Section 1: All fractional	*658.52*
Section 3: South half northeast quarter, and south half	*400.00*
Section 4: Lots 2 and 3, south half north half, and south half	*560.30*
Section 5: South half northeast quarter, and south half	*400.00*
Section 6: Lot 7, southeast quarter southwest quarter, and south half southeast quarter	*155.38*
Section 7: All fractional	*623.44*
Section 8: All	*640.00*
Section 9: All	*640.00*
Section 11: All	*640.00*
Section 13: All	*640.00*
Section 15: East half east half	*160.00*
Section 16: North half northwest quarter	*80.00*
Section 17: North half northeast quarter	*80.00*
Section 22: A portion of east half and east half west half	*271.±*
Section 23: All	*640.00*
Section 24: All	*640.00*
Section 25: All	*640.00*
Section 26: North half, southeast quarter, and a portion of the southwest quarter	*572.±*
Section 27: A portion of the northeast quarter	*66.±*
Section 35: A portion of the northeast quarter	*105.±*
Township 10 North, Range 4 East:	
Section 25: Southeast quarter	*160.00*
Township 9 North, Range 5 East:	
Section 5: All fractional	*640.32*
Section 6: All fractional	*679.52*
Section 7: Lots 1 and 2, northeast quarter, and east half northwest quarter	*340.57*
Section 8: North half	*320.00*
Section 17: All	*640.00*
Section 19: All fractional	*694.72*
Township 10 North, Range 5 East:	
Section 5: A portion of the east half northeast quarter northwest quarter and east half	*233.±*
Section 17: Northeast quarter northeast quarter, and a portion of the northeast quarter and east half southeast quarter	*145.±*
Section 19: A portion of the south half southeast quarter	*20.±*
Section 20: A portion of the south half south half	*60.±*
Section 21: East half, east half northwest quarter, northwest quarter northwest quarter, northeast quarter southwest quarter, and a portion of the southwest quarter northwest quarter, northwest quarter southwest quarter	*523.±*
Section 29: All	*640.00*
Section 30: Northeast quarter, south half, and a portion of the east half northwest quarter	*550.±*
Section 31: All fractional	*688.55*
Section 32: All	*640.00*
Section 33: North half	*320.00*
Township 11 North, Range 5 East:	
Section 32: Lots 1 and 2	*16.43*

(B) Upon acceptance of title by the United States to such lands and interests therein, the Secretary shall convey to Weyerhaeuser Company all right, title, and interest of the United States to the following described national forest system lands and interests therein, except mineral and geothermal interests:

	Acres
Township 10 North, Range 5 East:	
Section 6: Mineral survey	*193.96*
Section 7: Mineral survey	*12.65*
Township 11 North, Range 5 East:	
Section 28: Mineral survey	*24.89*
Section 29: Portion of mineral survey 837	*5.20*
Township 8 North, Range 4 East:	
Section 29: All	*640.00*

Section 30: All fractional	*604.07*
Section 32: All fractional	*702.99*
Township 13 North, Range 3 East:	
Section 6: All fractional	*652.25*
Township 4 North, Range 3 East:	
Section 10: All	*640.00*
Section 16: All	*640.00*
Section 20: All	*640.00*

(4) Except as provided in paragraph (7), the instruments of conveyance respecting the lands and interests exchanged under this subsection may contain such reservations as may be agreed upon by the Secretary and the Weyerhaeuser Company or the Secretary and Burlington Northern Incorporated, as the case may be.

(5) It is the sense of the Congress that the exchanges authorized pursuant to this subsection should be completed within ninety days after the date of the enactment of this Act. The Secretary shall use the authorities of subsection (a) if the exchanges authorized by this subsection are not completed within a reasonable time after the expiration of such ninety day period.

(6) The Secretary shall certify in writing that to his satisfaction, at the time of conveyance, there has been no reduction in the values of the lands or interests therein caused by a direct action on the part of the current landowner below that which formed the basis for the exchanges provided for in this section. If the Secretary finds that a reduction in the value of the lands or interests therein has occurred caused by direct action on the part of the current landowner, the Secretary shall not carry out the exchange for those lands or interests so affected under this subsection, and acquisition of those lands and interests shall be undertaken by the Secretary in accordance with the provisions of subsection (a).

(7) The provisions of this subsection (except for the provisions of paragraphs (5) and (6)) do not authorize the exercise by the Secretary of the power of eminent domain, and any exhange of the lands or interests in lands carried out under this subsection shall be pursuant to a voluntary agreement entered into between the Secretary and Burlington Northern Incorporated, or the Secretary and Weyerhaeuser Company, as the case may be, with the full consent of each of the parties to such agreement.

(d) Nothing in this Act shall affect any prior contractual obligation of Burlington Northern Incorporated or Weyerhaeuser Company regarding lands owned by them and included in an exchange pursuant to this Act nor shall such obligations be transferred pursuant to this legislation to the United States.

(e) Any terms, conditions, or obligations imposed by the Act of July 2, 1864 (13 Stat. 365), as amended, that apply to lands and interests in lands exchanged under this Act by Burlington Northern Incorporated shall apply in equivalent manner to lands and interests in lands obtained by Burlington Northern Incorporated under this Act.

(f) Notwithstanding any other provision of law, the Secretary shall only be required to prepare an environmental assessment of any exchange of mineral or geothermal interests authorized by this Act. In the course of preparing the assessment, the Secretary shall conduct at least one public hearing in the vicinity of the mineral or geothermal interests to be conveyed by the United States in such ex-

change. Any exchange of mineral or geothermal interests may be made by the Secretary only after providing the Committee referred to in section 1 of this Act thirty days' notice of his intention to do so.

ADMINISTRATION

SEC. 4. (a) The Secretary acting through the Forest Service shall administer the Monument as a separate unit within the boundary of the Gifford Pinchot National Forest, in accordance with the appropriate laws pertaining to the national forest system, and in accordance with the provisions of this Act.

(D)(1) The Secretary shall manage the Monument to protect the geologic, ecologic, and cultural resources, in accordance with the provisions of this Act allowing geologic forces and ecological succession to continue substantially unimpeded.

(2) The Secretary may take action to control fire, insects, diseases, and other agents that might (A) endanger irreplaceable features within the Monument or (B) cause substantial damage to significant resources adjacent to the Monument.

(3) Nothing in this Act shall prohibit the Secretary from undertaking or permitting those measures within the Monument reasonably necessary to ensure public safety and prevent loss of life and property.

(c) The Secretary shall permit the full use of the Monument for scientific study and research, except that the Secretary may impose such restrictions as may be necessary to protect public health and safety and to prevent undue modification of the natural conditions of the Monument.

(d) In order to protect the significant features of the Monument, reduce user conflicts, and ensure visitor safety, the Secretary is authorized to control times and means of access and use of the Monument or parts thereof: Provided, That nothing in this section shall be construed as to prohibit the use of motorized vehicles, aircraft or motorboats for emergency and other essential administrative services, including those provided by State and local governments, or when necessary, for authorized scientific research.

(e)(1) The Secretary shall provide for recreational use of the Monument and shall provide recreational and interpretive facilities (including trails and campgrounds) for the use of the public which are compatible with the provisions of this Act, and may assist adjacent affected local governmental agencies in the development of related interpretive programs.

(2) Except for roads needed for recreational and interpretive purposes as may be recommended by the comprehensive management plan submitted in accordance with the provisions of subsection (i), roads or other developed facilities within the Monument should be located generally in areas which were developed prior to the 1980 eruption.

(f) Subject to valid existing rights, all Federal lands within the Monument are hereby withdrawn from all forms of entry or appropriation of disposal under the public land laws, and from location, entry, and patent under the United States mining laws, and from disposition under ail laws pertaining to mineral and geothermal

leasing and all amendments thereto. Any mining activity carried out pursuant to valid existing rights shall be conducted in accordance with applicable Federal and State law.

(g) Timber harvesting shall not be permitted on Federal lands within the Monument except (1) for timber salvage contracts awarded by the Forest Service before the date of enactment of this Act, and (2) to the minimum extent necessary to control fire, insects, diseases and other agents that would endanger irreplaceable features within the Monument, cause substantial damage to significant resources adjacent to the Monument, or endanger public safety. National forest system roads within the Monument may be used to the extent necessary for such timber harvesting activities. If the Secretary intends to carry out timber harvesting activities under clause (2), the Secretary shall advise the Committee on Energy and Natural Resources of the Senate and the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives of the action the Secretary intends to take at least 30 days in advance of initiating action to contract for such sales, except that in emergency situations the Secretary shall submit a report to such Committees, describing the action taken within 30 days thereafter.

(h) The Secretary shall permit hunting and fishing on lands and waters within the Monument in accordance with applicable Federal and State law, except that the Secretary may designate zones within the Monument where, and establish periods when, no hunting or fishing shall be permitted for reasons of public health and safety, the protection of resources, scientific research activities, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities. Nothing in this subsection shall be construed as affecting the jurisdiction or responsibilities of the State of Washington with respect to wildlife and fish within the Monument.

(i) Within three years after the date of enactment of this Act, the Secretary shall submit to the committees referred to in section 1(b), a detailed and comprehensive management plan for the Monument. The initial Monument management plan may be expressed as an amendment to the October 1981 Mount St. Helens Land Management Plan. Subsequent Monument plans shall be integrated with and periodically revised as a component of the Gifford Pinchot land management planning process. The plan shall include but not be limited to:

(1) measures for the preservation of the natural geologic and ecologic processes and integrity of the resources;

(2) indications of types, locations, and general intensities of development and access routes associated with the public understanding, use, and enjoyment of the area, including anticipated timetables and costs;

(3) identification of, and implementation plans for, visitor carrying capacities of the area; and

(4) indications of any potential modifications of the external boundaries of the area, and the reasons therefor.

MANAGEMENT OF ADJACENT FEDERAL LANDS

SEC. 6. Nothing in this Act shall be construed as authorizing or directing the establishment of protective perimeters or buffer zones around the Monument for the purpose of precluding activities outside the Monument boundary which would otherwise be permitted under applicable law. Nothing in this Act shall be construed as limiting the existing authority of the Secretary to take actions on Federal lands adjacent to the Monument necessary to protect public health and safety in emergencies involving volcanic activity.

SCIENTIFIC ADVISORY BOARD

SEC. 7. (a) There is hereby established the Mount St. Helens Scientific Advisory Board (hereinafter referred to as the "Board"). The Secretary shall consult with and seek the advice and recommendations of the Board with respect to—

(1) the measures needed to protect and manage the natural and scientific values of the Monument; and

(2) the administration of the Monument with respect to policies, programs, and activities which are specifically intended to retain the natural ecologic and geologic processes and integrity of the Monument.

The Board may make recommendations to the Secretary in regard to new research opportunities which may exist within the Monument designed to gain scientific information for future interpretation and enjoyment by visitors to the Monument. No recommendation by the Board shall be binding upon the Secretary.

(b) The Board shall be composed of nine members, who shall be individuals with recognized professional standing in appropriate scientific disciplines, as follows:

(1) three members appointed by the Secretary (one of whom shall be a professional employee of the Forest Service);

(2) two members appointed by the Secretary of the Interior (one of whom shall be a professional employee of the United States Geological Survey);

(3) two members appointed by the Governor of the State of Washington from among professional employees of the State of Washington; and

(4) two members appointed by the Chairman of the National Science Foundation.

(c) Each member shall be appointed to serve for a term of three years, except that one of the initial appointees of each appointing official shall serve an initial term of four years, one of the initial appointees of each appointing official shall serve an initial term of two years, and one of the initial appointees of the Secretary shall serve an initial term of one year.

(d) The members of the Board shall be appointed within ninety days of the date of enactment of this Act. The members of the Board shall, at their first meeting, elect a chairman.

(e) The Secretary, or a designee, shall from time to time, but at least annually, meet and consult with the Board on matters relating to the protection of the Monument and potential and ongoing research programs within the Monument.

(f) Members of the Board shall serve without compensation as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Board and its members in carrying out their responsibilities under this Act.

(g) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

(h) The Board shall terminate ten years from the date of its first meeting.

EXPENDITURE OF CERTAIN REVENUES FROM GIFFORD PINCHOT NATIONAL FOREST BY SKAMANIA COUNTY, WASHINGTON

SEC. 8. (a) Nothwithstanding the provisions of the last paragraph under the heading "Forest Service" of the Act of May 23, 1908 (16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (16 U.S.C. 500), of the amount which is paid under such provisions to the State of Washington with respect to Gifford Pinchot National Forest, to be expended for the benefit of Skamania County—

(1) not less than fifty percent shall be expended for the benefit of the public schools of Skamania County, as Skamania County may specify, and

(2) the remainder shall be expended for the benefit of public roads and other public purposes of Skamania County, as Skamania County may specify.

(b) Subsection (a) shall not apply to any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (a) at the end of any fiscal year ending before the date of the enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is hereby authorized to be appropriated to carry out the provisions of this Act, not to exceed $12,000,000 for the fiscal year beginning October 1, 1982, and such sums as may be necessary for each fiscal year thereafter.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

E DE LA GARZA,
MORRIS K. UDALL,
JAMES WEAVER,
JOHN F. SEIBERLING,
THOMAS S. FOLEY,
PAT WILLIAMS,
GEORGE E. BROWN,
JOE SKEEN,
DON H. CLAUSEN,
SID MORRISON,
CHARLES PASHAYAN, Jr.,
GENE CHAPPIE,
Managers on the Part of the House.

JAMES A. MCCLURE,
MARK O. HATFIELD,

MALCOLM WALLOP,
HENRY M. JACKSON,
DALE BUMPERS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6530) to establish the Mount St. Helens National Volcanic Area, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

FINDINGS

The House bill contains a section setting forth findings regarding Mount St. Helens and the resource values of the area. The Senate amendment includes no such section.

DESIGNATION

The House bill designates a "Mount St. Helens National Volcanic Area" while the Senate amendment designates a "Mount St. Helens National Volcanic Monument."

The Conferees agreed to adopt the Senate position. The Conferees stress that this new Monument is to be administered by the U.S. Forest Service in accordance with this Act and laws generally applicable to the Forest Service. The Monument is not under the jurisdiction of the Department of the Interior and should in no way be considered a National Park or a unit of the Park System. The Monument created by this legislation will be treated in the same manner as the two existing National Forest Monuments, Misty Fjords and Admiralty Island in the Tongass National Forest in Alaska.

BOUNDARY DIFFERENCES

The House bill included approximately 115,000 acres in the area while the Senate amendment encompassed some 105,400 acres.

The Conferees resolved these differences by establishing a boundary for the National Volcanic Monument which includes approximately 110,000 acres.

The agreed upon boundary is referenced on a new map dated August 1982.

BOUNDARY ADJUSTMENT AUTHORITY

The House bill includes a provision authorizing the Secretary of agriculture to make minor adjustments in the Monument boundary (up to 320 acres in size) after appropriate notice in the Federal Register and the pertinent committees of Congress. The Senate amendment includes no such provision.

The Conferees agreed to adopt the House provision modified to exclude references to specific acreage limits. The Conferees expect

that this authority will be used by the Secretary only for truly "minor" boundary adjustments. This authority should not be viewed as giving the Secretary the ability to make significant additions to or deletions from the Monument. It is expected that this authority will most likely be used to adjust the boundaries in response to the changing land ownership pattern around the area which will result from the land exchanges authorized by Sec. 3.

Expansion of the National forest Boundary

Both the House bill and the Senate amendment include a provision extending the exterior boundary of the Gifford Pinchot National Forest to include certain lands affected by the May 1980 eruption. The two versions are very similar with only minor technical differences.

The Conferees agreed to adopt the House provision.

Land Acquisition

General Authority/Timber Valuation Date

Both the House bill and the Senate amendment provide essentially the same general authority for acquisition of non-federal lands in the Monument and a set timber valuation date on July 1, 1982, because of potential insect and disease damage if acquisition is delayed. In addition, some minor technical differences exist between the two versions.

The Conferees agreed to adopt the House position with addition of a cross-reference to the Forest Service's existing exchange authority making it clear that land exchanges within the area are to be accomplished under the provisions of this Act and other applicable law governing land exchanges.

State-owned lands

The House bill limits the Secretary's authority to acquire lands within the Monument owned by the State of Washington to exchange only. The Senate amendment permits acquisition by both exchange and donation.

The Conferees agree that State-owned lands should be acquired only by exchange and agreed to adopt the House position.

Land exchange packages for Burlington Northern Inc. (BN) and Weyerhaeuser

The House bill includes specific tract-by-tract legislated exchanges for the two major landowners in the area—BN and Weyerhaeuser. Exchanges are specified for both surface and subsurface for Weyerhaeuser, but only a surface exchange is provided for BN.

The Senate amendment designates "pools" of national forest lands which the Secretary and the landowners are to use to facilitate and consummate an exchange agreement.

The Conferees agreed to adopt the House approach with regard to the surface exchange and have included specific tract-by-tract exchanges for Burlington Northern and Weyerhaeuser. The Conferees also agreed not to legislate the exchange of specific mineral interests of the two companies. The Conferees also agreed to limit

the acquisition authority of all mineral and geothermal interests within the Monument to exchange only.

The Conferees recognize that certain lands owned by Burlington Northern included in the Monument are subject to a contract under which International Paper Company has a right to cut and remove timber until the year 2000. The Conference Report includes language making it clear that the United States shall not assume Burlington Northern's obligations under the contract nor shall any rights International Paper may have against Burlington Northern be extinguished by an exchange of lands between Burlington Northern and the United States. The Conferees assume that when any exchange is consummated pursuant to this Act, the U.S. will receive clear title to the interests conveyed.

The Conferees wish to reaffirm the clear intent of this legislation that acquisition of lands and interests in lands within the Monument should be completed as expeditiously as possible, and acquisition by exchange shall be carried out to the maximum extent feasible.

The Conferees wish particularly to encourage the Department to expedite, insofar as possible, while providing for a public hearing and Congressional review, the environmental assessment prepared for any exchanges contemplated under this Act for mineral and geothermal interests.

Acquisition of mining claims

The House bill includes a provision prohibiting the acquisition of mining claims in the Green River/Polar Star area without the consent of the owner. The Senate amendment includes no such provision.

The Conferees agreed to adopt the House language and note that the boundary agreed to in this area excludes all but a very small portion of the existing claims. The Conferees note that the boundary adjustment authority contained in Section 1 of the bill can be used by the Secretary at his discretion to exclude these remaining claims.

Management Policies and Direction

General direction

Both the House bill and the Senate amendment include a section providing a general statement regarding how the new Monument is to be managed.

The Conferees agreed to adopt the House position modified to insure flexibility necessary to provide for a variety of different activities and uses within the Monument.

Authority to protect life and property

Both the House bill and the Senate amendment include a provision authorizing the Secretary to take reasonable actions to protect life and property both within and outside the Monument.

Although the two versions are similar, the Conferees agreed to accept the Senate position which provides for slightly broader authority than the House language. The Conferees want to emphasize the importance of protecting the health, safety, and property of

Monument visitors as well as those residents living in the general area.

For example, the Conferees are aware that there is considerable concern regarding the condition at Spirit Lake where there is serious danger of downstream flooding as the water backs up behind the unstable lakeshore. The Conferees note that the Act provides sufficient authority to take appropriate actions to prevent loss of life and property.

Recreation-related roads and developments within the monument

Both the House bill and the Senate amendment contain similar provisions regarding visitor facilities and recreation uses within the Monument. The House version includes specific language generally limiting the construction of roads and developments in the area to those which existed prior to the May 1980 eruption. The Senate amendment does not include such a limitation on roads and developments.

The Conferees agreed to accept the House provisions modified to ensure that recreation-related roads and developments which are recommended in accordance with the management plan for the Monument may be permitted without regard to their location prior to the May 1980 eruption.

Mining and mineral leasing withdrawal

Both the House bill and the Senate amendment contain a provision withdrawing Federal lands in the Monument from mining and mineral leasing, subject to valid existing rights. The versions are essentially the same with only minor technical differences.

The Conferees agreed to adopt the Senate position.

Water quality protection

The House bill includes a provision directing that any mining in the Monument take place in such a manner so as to "maintain the water quality in existence in the affected area immediately prior to the commencement of such activity." The Senate amendment has no comparable provision.

The Conferees agreed to delete House language with regard to water quality and include instead a provision directing that any mining be carried out in accordance with applicable State and Federal law.

Scientific study/motorized equipment

Both the House bill and the Senate amendment include language regarding the need to insure opportunities for continued scientific research and the use of motorized equipment in the area for emergency and scientific study. The language of the two versions is similar in form and substance.

The Conferees agreed to adopt House language with regard to scientific study and adopted slightly modified House language with regard to motorized vehicles, making it clear that essential administrative and emergency services provided by State and local governments are to be permitted within the Monument.

Timber harvesting in the Monument

Both the House bill and the Senate amendment place certain limitations on timber harvesting activities in the Monument.

The Conferees agreed to adopt Senate language modified to insure that commercial harvesting, while permitted in limited circumstances is to be undertaken only to the minimum extent necessary to control fire, insects, and disease on Federal lands that would endanger irreplaceable features within the Monument, cause substantial damage to significant resources adjacent to the Monument, or endanger public safety. The respective committees of Congress are to be kept apprised regarding the use of this authority.

The Conferees agree that the "control" of fire and/or insect infestations in the area could include preventative or presuppression activities provided they are kept to the minimum level necessary and carried out only to the extent necessary to deal with those emergency situations or those imminent emergency situations identified in Subsection 4(g).

The Conferees stressed that this authority was very narrowly drawn and should definitely not be considered as general authority to provide for commercial timber harvesting operations within the Monument.

The Conferees expect that the Secretary will seek the advice of the Scientific Advisory Board regarding the effects of possible timber removal authorized by subsection 4(g) on areas of special scientific concern within the Monument. While the final management decisions regarding the implementation of timber removal activities rests solely with the U.S. Forest Service, the Conferees felt that the Board could make a contribution by making its scientific and research expertise available to the Forest Service on a regular basis with regard to this matter.

The Conferees further expect that the Secretary will provide the Scientific Advisory Board, as soon as reasonably possible, copies of any notices of timber salvage operations submitted to the Committees of Congress pursuant to subsection 4(g).

Limitation on timber hauling on national forest system roads

The House bill includes a provision placing limits on the use of National Forest roads in the Monument for timber harvesting purposes. While such activity is permitted under certain circumstances, the language provides limits on the Secretary's authority based on public notice, evaluation of alternatives and effect on the resources. The Senate amendment includes no comparable provision.

The Conferees agreed to adopt the House provision slightly modified to reflect the compromise language regarding timber harvesting activities in the Monument in general.

Hunting and fishing

Both the House bill and the Senate amendment contain a provision making it clear that hunting and fishing are to be permitted in the Monument subject to reasonable limitations.

The Conferees agreed to adopt the House language with the addition of the Senate provision regarding the jurisdiction of the State

of Washington over fish and wildlife management within the Monument.

Management plan

Both the House bill and the Senate amendment include provisions directing that a management plan be prepared for the Monument. The House bill includes fairly detailed language regarding what the plan is to contain. The Senate amendment does not include this specific language.

The Conferees agreed to adopt the House position.

Scientific Advisory Board

Both the House bill and the Senate amendment include essentially the same provisions regarding the establishment of a Scientific Advisory Board to advise the Secretary with regard to the management of the Monument—especially those aspects associated with opportunities for scientific research and study. The language is essentially the same in both the bills.

The Conferees agreed to adopt the House language modified to give the Governor of Washington some additional flexibility with regard to the appointments he is authorized to make.

Management of Adjacent Federal Lands

The Senate amendment includes language making it clear that nothing in the act authorizes or directs the Secretary to establish buffer zones surrounding the area as a result of the creation of the Mount St. Helens National Monument. The House bill has no such provision.

The Conferees agreed to adopt the Senate position. The Conferees note that the primary intent of this provision is to ensure that federal lands surrounding the new Monument will continue to be managed in accordance with existing law—including applicable land management plans—and that the Monument status should not be viewed as placing additional mangement constraints on adjacent federal lands.

Exemption From the National Environmental Policy Act

The Senate amendment specifically exempts the exchanges authorized pursuant to the Act from the requirement of the National Environmental Policy Act that an Environmental Impact Statement be prepared. The House bill includes no comparable provision.

The Conferees agreed to adopt a provision requiring only that the Secretary prepare an environmental assessment with regard to the exchange of any mineral interests within the Monument. The Committee expects that such an assessment can be prepared in a more expeditious manner than an Environmental Impact Statement which might be required under NEPA. A requirement for public hearings and an opportunity for the Senate Committee on Energy and Natural Resources and the House Interior and Insular Affairs and Agriculture Committees to review and comment on any proposed exchange are also included.

Conferees note that the legislated exchanges set forth in Subsection 3(c) do not require an environmental assessment or impact statement.

Authorization/Budget Compliance

Both the House bill and the Senate amendment authorize the appropriation of funds to carry out the purposes of the Act. The Senate amendment authorizes $12 million in fiscal year 1983 and such sums as necessary thereafter. The House bill authorizes such sums as may be necessary effective only for fiscal years beginning after September 30, 1983, and includes a section regarding compliance with the Budget Act.

The Conferees agreed to adopt the Senate position.

Title

The title of the House bill refers to the "Mount St. Helens National Volcanic Area". The title of the Senate amendment refers to a "Mount St. Helens National Volcanic Monument".

In accordance with the Conferees' decision to designate the area as a National Volcanic Monument, the Conferees agreed to adopt the Senate position.

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